

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION TWO**

STATE OF MISSOURI,	)	No. ED101415
	)	
Respondent,	)	
	)	Appeal from the St. Louis County
vs.	)	Circuit Court
	)	
LARRY WHITE,	)	Honorable Tommy W. Depriest, Jr.
	)	
Appellant.	)	Filed: May 19, 2015

**Opinion Summary**

Larry White (Defendant) appeals the trial court's judgment, entered after a jury trial, finding him guilty of two counts of first-degree statutory rape, six counts of first-degree statutory sodomy, and one count of incest. On appeal, Defendant argues that the trial court erred by admitting the victim's hearsay statements, allowing the police detective to testify about whether Defendant committed a crime, overruling Defendant's motion for judgment of acquittal, and submitting certain jury instructions.

AFFIRMED.

**Division Two Holds:**

- (1) The trial court did not plainly err in admitting the victim's hearsay statements in the testimony of Detective Bruno and Beverly Tucker. Neither witness's testimony was admitted to bolster the victim's testimony at trial. The testimony regarding the witnesses' respective interviews with the victim had independent probative value. Accordingly, Defendant failed to show substantial grounds for believing that manifest injustice resulted from the admission of the victim's hearsay statements.
- (2) The trial court did not plainly err by failing to exclude or strike *sua sponte* Detective Bruno's testimony that she determined a crime had been committed after interviewing the victim. Defendant failed to show substantial grounds for believing that manifest injustice resulted from Detective Bruno's statements.
- (3) The trial court did not err in overruling Defendant's motion for judgment of acquittal on Counts I, II, III, IV and IX because there was sufficient evidence to find him guilty of those offenses beyond a reasonable doubt. Also, the trial court did not plainly err in submitting Instructions No. 7, 8, 9, 10, and 15 because they were sufficient to result in a unanimous verdict.

- (4) The trial court did not err in overruling Defendant's motion for judgment of acquittal on Count IX because there was sufficient evidence to find him guilty beyond a reasonable doubt of incest. A reasonable juror could have concluded that Defendant engaged in sexual intercourse with the victim while he was married to the victim's mother.

Opinion by: Philip M. Hess, J.  
Sherri B. Sullivan, P.J. and Mary K. Hoff, J. concur.

Attorney for Appellant: Douglas A. Forsyth  
Kathryn B. Parish, Co-Counsel

Attorney for Respondent: Shaun J. Mackelprang

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